

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WISCONSIN  
MILWAUKEE DIVISION**

DORIS MATZ, Individually and on Behalf of All Others Similarly Situated,	)	Case No.: 14-cv-1226
	)	
Plaintiff,	)	<b>CLASS ACTION COMPLAINT</b>
vs.	)	
	)	
ALLIANT CAPITAL MANAGEMENT, LLC,	)	<b>Jury Trial Demanded</b>
	)	
Defendant.	)	
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**INTRODUCTION**

1. This class action seeks redress for collection practices that violate the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.* (the “FDCPA”).

**JURISDICTION AND VENUE**

2. The court has jurisdiction to grant the relief sought by the Plaintiff pursuant to 15 U.S.C. § 1692k and 28 U.S.C. §§ 1331 and 1337. Venue in this District is proper in that Defendant directed its collection efforts into the District.

**PARTIES**

3. Plaintiff Doris Matz is an individual who resides in the Eastern District of Wisconsin (Milwaukee County).

4. Plaintiff is a “consumer” as defined in the FDCPA, 15 U.S.C. § 1692a(3), in that Defendant sought to collect from Plaintiff a debt allegedly incurred for personal, family or household purposes. Plaintiff does not operate a business, and has only consumer debts.

5. Defendant Alliant Capital Management, LLC (“Alliant”) is a debt collector with offices in New York.

6. Alliant is engaged in the business of a collection agency, using the mails and telephone to collect consumer debts originally owed to others.

7. Alliant is engaged in the business of collecting debts owed to others and incurred for personal, family or household purposes. Alliant is a debt collector as defined in 15 U.S.C. § 1692a.

### **FACTS**

15. On or about March 13, 2014, Alliant called Matz, and left a voicemail message on her home telephone. This message was from a person claiming to be “Richard Parker” and a caller I.D. telephone number of “414 316 6443.”

16. This message stated that Richard Parker has “some papers” to deliver to Ms. Matz, regarding “court.”

17. On or about March 15, 2014, Ms. Matz received a second call from Alliant, with a caller I.D. telephone number of “855 893 2457.” This call also sought to collect a debt, informing Ms. Matz that legal papers needed to be delivered.

18. Ms. Matz never received any written correspondence from Alliant.

19. Ms. Matz has never been sued by Alliant or anyone else with regard to any consumer debt in 2013 or 2014 (or, for that matter, ever).

### **COUNT I – FDCPA**

20. Plaintiff incorporates by reference as if fully set forth herein the allegations contained in the preceding paragraphs of this Complaint.

21. Debt collectors are obligated to provide consumers with required notices of rights, including dispute rights, within five days of the initial communication. 15 U.S.C. § 1692g.

22. Alliant completely failed to comply with 15 U.S.C. § 1692g.

### **COUNT II – FDCPA**

23. Plaintiff incorporates by reference as if fully set forth herein the allegations contained in the preceding paragraphs of this Complaint.

24. The telephone messages left by Alliant created the false impression that litigation has been initiated against Ms. Matz.

25. Such conduct violates 15 U.S.C. §§ 1692e, 1692e(2) and 1692e(10).

### **CLASS ALLEGATIONS**

26. Plaintiff brings Count I of this action on behalf of a Class, consisting of (a) all natural persons in the State of Wisconsin (b) who were called by Alliant, (c) seeking to collect a debt for personal, family or household purposes, (d) on or after October 2, 2013, (e) who were not mailed a letter within 5 days of the initial communication.

27. The Class is so numerous that joinder is impracticable. On information and belief, there are more than 50 members of the Class.

28. There are questions of law and fact common to the members of the class, which common questions predominate over any questions that affect only individual class members. The predominant common question is whether the Defendant complied with 15 U.S.C. § 1692g.

29. Plaintiff's claims are typical of the claims of the Class members. All are based on the same factual and legal theories.

30. Plaintiff will fairly and adequately represent the interests of the Class members. Plaintiff has retained counsel experienced in consumer credit and debt collection abuse cases.

31. A class action is superior to other alternative methods of adjudicating this dispute. Individual cases are not economically feasible.

32. Plaintiff brings Count II of this action on behalf of a Class, consisting of (a) all natural persons in the State of Wisconsin (b) who were called by Alliant, (c) seeking to collect a debt for personal, family or household purposes, (d) on or after October 2, 2013, (e) where Alliant suggested that it had legal documents to be delivered to the consumer.

33. The Class is so numerous that joinder is impracticable. On information and belief, there are more than 50 members of the Class.

34. There are questions of law and fact common to the members of the class, which common questions predominate over any questions that affect only individual class members. The predominant common question is whether the Defendant complied with 15 U.S.C. §§ 1692e, 1692e(2) and 1692e(10).

35. Plaintiff's claims are typical of the claims of the Class members. All are based on the same factual and legal theories.

36. Plaintiff will fairly and adequately represent the interests of the Class members. Plaintiff has retained counsel experienced in consumer credit and debt collection abuse cases.

37. A class action is superior to other alternative methods of adjudicating this dispute. Individual cases are not economically feasible.

#### **JURY DEMAND**

38. Plaintiff hereby demands a trial by jury.

#### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff requests that the Court enter judgment in favor of Plaintiff and the Class and against Defendants for:

- (a) actual damages;
- (b) statutory damages;
- (c) attorneys' fees, litigation expenses and costs of suit; and
- (d) such other or further relief as the Court deems proper.

Dated: October 2, 2014

**ADEMI & O'REILLY, LLP**

By: /S/ Mark A. Eldridge  
Shpetim Ademi (SBN 1026973)  
John D. Blythin (SBN 1046105)  
Robert O'Reilly (SBN 1027032)  
Mark A. Eldridge (SBN 1089977)  
3620 East Layton Avenue  
Cudahy, WI 53110  
(414) 482-8000  
(414) 482-8001 (fax)  
sademi@ademilaw.com  
jblythin@ademilaw.com  
roreilly@ademilaw.com  
meldridge@ademilaw.com